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TRIBAL GOVERNMENT SERVICES
JUNEAU REGIONAL OFFICE

PREAMBLE

We, a sovereign community of Tlingit Indians having a common bond of residence in the Village of Klukwan, Alaska, in order to promote our welfare, through the development and operation of government, social, and economic enterprises, do establish this Constitution and By-laws in accordance with, and by authority of, the Act of Congress of June 18, 1934 (48 Stat. 984), as amended.

ARTICLE I –NAME

This is the Constitution for the government of the Chilkat Indian Village, hereinafter called the Village.

ARTICLE II - TERRITORY AND JURISDICTION

Section 1. **Territory:** The territory of the Chilkat Indian Village includes all lands, waters, property, airspace, surface rights, subsurface rights and other natural resources which are owned now or in the future by, or for the benefit of, the Village, whether held in trust, restricted, fee simple or any other form of title, as well as any allotments in the vicinity of the Village owned by Village members.

Section 2. **Jurisdiction:** The Chilkat Indian Village shall have jurisdiction, and governmental powers over all matters affecting the Village's political integrity, economic security or health and welfare arising within the geographic limits of the real property owned by the Village, or on Native allotments in the vicinity of the Village owned by Village members, including all matters involving the real or personal property of the Village, or of its members; clan property; or the personal relationships of the members to each other or consensual relationships between the Village or Village members and other persons. Nothing in this article shall be construed to limit the ability of the Village to exercise its jurisdiction, based upon its inherent sovereign rights, powers, and laws, including written and unwritten Tlingit Law or Federal Indian Law, as an Indian Tribe.

ARTICLE III - MEMBERSHIP

Section 1.Defined: The membership of the Chilkat Indian Village shall consist of the following:

a. *Original members.*- All persons whose names appear on the 1940 census roll, prepared in accordance with the Instructions of the Secretary of the Interior for Organization in Alaska, being all the Indians residing in the Village of Klukwan, shall be members of the Village.

b. *Resident Members.*- All lineal descendents of persons who were members under section (a), and who are residents of the Village.

c. *At-Large Members:* Any lineal descendent of a living, or deceased Member, of the Village who is not a resident of the Village may become an At-Large Member. At-Large Members will be eligible for Tribal Services and other Tribal benefits but will not be allowed to nominate candidates for Village Council, vote in Village elections, or run for elected office in the Village.

Section 2. *New Members-*

(a) Children of any member, if such children are residents of the Village of Klukwan, shall be members of the Village.

(b) Any American Indian or Alaskan Native who marries, or who is adopted by a Village member through judicial process and becomes a resident of the Village of Klukwan may, upon Council approval, become a member of the Village, provided that person: has been a Village resident for at least one year prior to application for membership, and has applied for Village membership in accordance with the enrollment ordinance.

(c) It shall be the duty of the Council, or their designee to maintain and post an annually updated census roll of the membership of the Chilkat Indian Village. The Council shall provide an opportunity for hearing to any person who objects to his or her inclusion in, or exclusion from the census roll.

Section 3. *Loss of Membership or Residency Status.*

(a) Any member may give up their membership upon written notice in accordance with the enrollment ordinance to the Secretary of the Council, in which case they shall no longer share in the activities and benefits of this Village, but they may be reinstated as a member upon written application filed with the Secretary of the council and a majority vote of the voting members of the Village present at any regular or special meeting or election. Parents or guardians may not give up the membership of their minor children or those for whom they are guardians except as may be permitted under the enrollment ordinance.

b) Any member who, after notice and an opportunity to present their defense is found guilty by the Village of fraud, or misconduct, in their relations with the Village, or of working deliberately against the interest of the Village, may be expelled by a two-thirds vote of the voting membership present at any regular or special meeting or election. A person so expelled may be reinstated as a member upon written application filed with the Secretary of the Council and two-thirds vote of the voting membership present at any regular or special meeting or election.

(c) Continuous absence from the Village for one year or longer shall constitute a loss of residency status and forfeiture of voting and elective privileges in the Village. Such persons as have lost their voting and elective privileges by reason of this provision may have those privileges restored after residency in the Village has been reestablished for a minimum of one year.

(d) Members who have lost their voting and elective privileges pursuant to Article III, Section 3, (c), will retain all the privileges and benefits of At-Large Members.

Section 4. *Definition of Residence.* Any person shall be considered a resident of Klukwan who lives within the geographic limits of the real property owned by the Village or on Native allotments in the vicinity of the Village owned by Village Members. Temporary absences of up to one year shall not constitute loss of residence.

Section 5. *Rule-making Power.* The Village may make rules, regulations, policies, and ordinances to carry out this article.

ARTICLE IV – THE COUNCIL

Sec.1. *Composition and Function.*

(a) There shall be a Council composed of seven members elected by the Village.

(b) The Council shall represent the Village in all its undertakings and shall exercise the powers of the Council enumerated in this Constitution. It shall be the duty of the Council to report its activities and the state of the affairs of the Village at each regular meeting of the Village, at which time the members may comment on the policies to be followed by the Council.

Sec. 2. *Election.*

(a) Members of the Council shall be elected by secret ballot on the first Thursday after the third Monday in May, or on such other date as may be fixed by the Council.

(b) The Council shall organize itself within thirty days after each Annual Election date by electing from within its membership a President, and a Vice-President, and from within or without, a Secretary, a Treasurer, and such other officers as it may deem necessary. Officers elected from without the Council shall not vote therein.

(c) Annual and special elections of the Council shall be held under the direction of a duly appointed election committee consisting of a chairperson and four election officials.

(d) The members of the Council so elected at the first election under this constitution, shall divide themselves into three groups: "A," "B," and "C." group A to be made up of two members, group "B" to made up of two members, and group "C" to be made up of three members. The term of office of those in group "A" shall terminate on the regular election date of the first May following, the term of office of those in group "B" shall terminate on the regular election date of the second May following, and the term of office for those in group "C" shall terminate on the regular election date of the third May following with the election and qualification of their respective successors. Thereafter, each member of the Council shall serve three years. The Council may take such action as necessary to re-establish the classification of Council members.

Section 3. *Tenure of Office.*

(a) The term of office of each elected officer shall expire when their successor is elected and qualified.

(b) Each of the members of the Council shall be elected to serve for a term of three years.

(c) The Officers of the Council shall be elected by the Council and shall serve for a term of one year.

ARTICLE V – POWERS OF THE VILLAGE

Section 1. *The Council shall have the power.*

(a) To manage, promote, and control all the economic affairs and enterprises of the Village in accordance with the Charter issued under the Act of June 18, 1934 or as divisions or activities of the Tribal government under this constitution.

(b) To employ legal counsel.

(c) To levy dues, fees, and assessments on its members for Village purposes, and to provide for the collection thereof. No such dues, fees, and assessments shall be effective except by majority vote of the voting membership participating at any regular or special membership meeting, or election.

(d) To organize or to charter associations of its members for economic purposes and to regulate the same.

(e) To prevent the sale, disposition, lease, or encumbrance of any land, interest in land or waters, or other assets of the Village without the consent of the Council. Except for routine administration of Tribal funds, consent must be by ordinance and otherwise consistent with the requirements of Section 2 and 3 of this Article.

(f) To provide for the manner of conducting elections, including provisions for initiative, referendum and recall.

(g) To provide for filling vacancies in office.

(h) To engage in any business that will further the economic well being of the members of the Village or to undertake any activity of any nature whatever not inconsistent with the law, including but not limited to the lease, exchange, acquisition, sale, or other disposition of real and personal property of every kind.

(i) To aid needy members and to protect the general welfare and security of members of the Village.

(j) To negotiate and enter into contracts or agreements with the Federal, State, Local and other Tribal Governments on behalf of the Village and to advise and consult with representatives of the Interior Department or other Federal, State, Local and Tribal agencies on all activities that may affect the Village. To exercise any power or duty that maybe now, or in the future, delegated to the Council by the Federal, Local. State or Tribal government and to delegate any such powers to any such government.

(k) To make assignments of land areas of the Village for use and occupancy to members of the Village in accordance with the customs of the Indians forming the Village or with the regulations of the Village.

(l) To protect the natural environment and resources of the Village.

(m) To preserve, protect, and cultivate the arts, crafts, culture, customs, Tlingit Laws and language of the Village.

(n) To adjudicate matters of a civil and criminal nature, arising within the Tribe's jurisdiction and to establish tribal courts if deemed necessary for that purpose.

(o) To enact ordinances and take any other action necessary or proper to further define its jurisdiction or to execute the powers herein enumerated, unless specifically limited by this Constitution or applicable Federal law.

(p) To adopt by-laws, rules, and take other actions necessary to govern the conduct of Council business.

Section 2. *Powers reserved to Membership.* No permanent disposition of Tribal lands or interests in lands may be made whether by sale, foreclosure or otherwise, except by the voting membership acting through a properly called general membership meeting or election.

Section 3. *Waivers.* Nothing in this Constitution shall be deemed or construed to be a waiver of the sovereign immunity or jurisdiction of the Village, which may only be waived by express resolution of the Tribal Council, and only to the extent specified in such resolution and permitted, by this Constitution and federal law. Waivers of sovereign immunity or jurisdiction shall not be general but must be specific and limited as to duration, grantee, transaction, property or funds, if any, of the Village subject to the waiver, and to the court having jurisdiction and applicable law. Waiver of the sovereign immunity of the Village shall not be deemed a general consent to the levy of any judgment, lien or attachment upon property of the Village other than property specifically pledged, assigned or otherwise explicitly subject to levy in the waiver resolution.

Section 4. *Retained Powers.* The retained powers of the Village not expressed in this Constitution shall not be lost by omission, but may be exercised at any meeting or election by the voting membership participating, or delegated by such election or meeting to the Council.

Section 5. *General Powers.* Except as otherwise specified in this Article, the powers of the Village shall be exercised by the Council and shall include all the inherent powers of a federally recognized Tribal government, including but not limited to those specified in this Article, which do not violate Federal or Chilkat Indian Village law.

ARTICLE VI - BILL OF RIGHTS

Section 1. *Civil Rights.* The Council shall not restrict or in any way abridge the rights of the members of the Village guaranteed by any applicable Federal law.

Section 2. *Equal Rights.* All members of the Village in good standing, pursuant to Article III of this Constitution, shall be accorded equal right and opportunity to participate in and enjoy the resources, property, and benefits of the Chilkat Indian Village, subject to employment and other preferences as prescribed by Village ordinance not contrary to applicable Chilkat Indian Village or Federal laws.

Section 3. *Voting Rights.* All Resident Members of the Village 18 years of age or older, shall have the right to vote.

Section 4.*Review Rights.* The adjudication by the Council or tribal court of any matter shall be subject to an impartial review procedure established by ordinance.

Section 5.*Information Rights.* Except as specifically limited by Village ordinance, Village members shall have the right to review all Village records, including membership lists and financial records, at any reasonable time in accordance with procedures and limits established by ordinance.

ARTICLE VII - CHANGE OF OFFICERS

Section 1. *Forfeiture of Office—Removal and Recall.—*

(a) Any member of the Council or other officer of the Village who is convicted of a major felony or any other offense involving dishonesty shall forfeit his office and will be restricted from elective office in the Village for a period of two years from the date of completion of sentence including probation, parole or pardon.

(b) Any member of the Council who is absent from the regular meetings of the Council for a period of three months without cause or excuse, may have his seat declared vacant by the Council after notice and an opportunity to be heard.

(c) Upon a petition signed by one-third of the voting membership of the Village asking the recall of any member of the Council, the Council shall call a special meeting of the Village to vote upon his recall. If the Council member is recalled, the Village members shall proceed to elect his successor to fill the unexpired term.

Section 2. *Filling Vacancies.* If the office of a Council member is vacant for any reason, the Council may appoint a successor to serve until the next Village election, at which time a member shall be elected to fill the un-expired term.

ARTICLE VIII - FEDERATION

Section 1.*Committee* The Council may, for the purpose of forming a federation or union with other governments of like character, appoint a committee to meet with such other governments and submit its finding to the said Council for appropriate action.

Section 2. *Formation* Any Union or Federation formed under Section 1. of this Article must be formed by ordinance of the Council and may be terminated at any time by ordinance of the Council.

ARTICLE IX - SEVERABILITY AND SAVINGS

If any provision of this Constitution shall be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in full force and effect. All previous ordinances and resolutions shall remain in effect to the extent that they are not inconsistent with this Constitution or any future amendments to it.

ARTICLE X - AMENDMENTS

Section 1. *Voting* This Constitution may be amended by a majority vote of the members of the Village eligible to vote and voting in an election called for that purpose by the Secretary of the Interior or his authorized representative, pursuant to the Secretary's regulations as now or hereafter amended; provided that, at least thirty percent (30%) of the eligible voters, registered according to the regulations of the Secretary, shall vote in such election.

Section 2. *Amendment* The Secretary of the Interior shall call such an election on a proposed Constitutional amendment upon either a resolution approved by the affirmative vote of at least four (4) Council members or upon a petition by at least one third of the eligible Village voters, eighteen (18) years of age or older.

ARTICLE XI – RATIFICATION OF CONSTITUTION

This amended Constitution and shall be effective from and after the date of its ratification by a majority vote of those entitled to vote who vote at an election called for the purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election, such ratification to be formally certified by the Election Board and submitted to the Secretary of the Interior, or the Secretary's authorized representative, for approval and shall be effective from the date of such approval or as otherwise authorized by law.

The persons entitled to vote are all the adult members who are residing in the Village of Klukwan, State of Alaska, and whose names appear on a roll of such members compiled under the Instructions of the Secretary of the Interior.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of the Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution, will be inapplicable to the Chilkat Indian Village from and after the date of adoption of this Constitution.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution.

ARTICLE XII - ADOPTION

This Constitution, when adopted by a majority vote of the members of the Chilkat Indian Village eligible to vote and voting at an election called for that purpose in which at least thirty percent (30%) of the eligible voters, registered according to the regulations of the Secretary of the Interior, shall vote, shall be submitted to the Secretary of the Interior, or his authorized representative, for approval and shall be effective from the date of such approval or as otherwise authorized by law.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Deputy Commissioner of Indian Affairs, on _____, _____, this Constitution of the Chilkat Indian Village was submitted to the eligible voters of the Village and on _____, 2006, was duly (adopted) (rejected) by a vote of _____ for and _____ against and _____ cast ballots found spoiled or mutilated in an election in which at least thirty percent (30%) of the _____ members entitled to vote, cast their ballot in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

_____

Chairman, Election Board

_____

Member, Election Board

BY-LAWS OF THE CHILKAT INDIAN VILLAGE

ARTICLE I --DUTIES OF OFFICERS

Section 1. The President of the Council shall preside over all meetings of the Village and of the Council, exercising the usual duties of chairman and any others delegated to him/her. The President may vote on all matters/business before the Council.

Section 2. The Vice-President shall perform all duties of the president in the absence, or disability of the President.

Section 3. The Secretary of the Council shall keep a complete and accurate record of all business transacted at Council or Village meetings. It shall be his/her duty to maintain in the Village office two copies of all adopted minutes of all regular and special meetings of the Council or Village.

The Secretary shall record all rules, regulations, policies, ordinances, and resolutions in appropriate books indexing the same and assigning a short title, and may publish the same for the information of the village.

The Secretary shall post regular meeting notices and agendas three days prior to the meeting.

In the absence, or disability of the President and Vice-President the Secretary shall preside over meetings of the Council.

The Secretary shall notify each person of his/her election to an office of the Village within five working days thereof.

Section 4. The Treasurer of the Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether Village funds or other funds for which the Council is responsible. S/he shall deposit all such funds in such banks or elsewhere as directed by the Council and in accordance with the Federal charter. S/he shall make and preserve a faithful record of such funds and shall report to the Council all receipts and expenditures and the amount and nature of all funds in his/her possession or custody. S/he shall not pay out or authorize disbursement of any funds for which s/he is responsible except upon written authorization of the Council.

The books and records of the Treasurer shall be audited at least once each year, and at such other times as the Council shall direct, by a licensed Certified Public Account pursuant to general accepted accounting practices. The Treasurer shall give copies of the yearly auditor's report to the Council and, once each quarter shall give a written financial report to the Village Council.

The Treasurer shall be present, upon request of the Council, at any special or regular meetings of the Council or Village. The Treasurer may, with the advice and consent of the Council, appoint assistants.

Section 5. The duties of all appointive officers or agents shall be clearly defined by a resolution of the council at the time of their appointment. In the absence of the President, Vice-President, and Secretary, the Council Members present at a meeting will appoint from among themselves a person to preside over the meeting.

Section 6. All accounts, records, books and minutes of the Village shall be subject to examination by members of the Village pursuant to Village law and applicable Federal law, if any.

ARTICLE II-QUALIFICATIONS OF OFFICERS

No person may be a candidate for any elective office unless s/he has the qualifications of a voter. No person convicted of a major felony may be a candidate or hold elective office in the Village for a period of two years from the date of completion of sentence including probation, parole or pardon.

ARTICLE III-INSTALLATION OF OFFICERS

Each person appointed or elected to an office shall subscribe to the following oath of office before entering upon the duties thereof:

"I, ___(state name)_____,_do solemnly swear (or affirm) that I will support and defend the Constitution of the Chilkat Indian Village_against all enemies; that I will carry out faithfully and impartially the duties of my office as _____(state office held)_____ to the best of my ability; that I will promote and protect the best interests of the Village, in accordance with this Constitution, By-laws and Corporate Charter."

ARTICLE IV-TIME AND PLACE OF COUNCIL MEETINGS AND ORDER OF BUSINESS

Section 1. The Council shall meet on the first Friday of each month at 9:00 a.m., unless otherwise ordered by resolution, and may meet at such other times as may be voted by the Council. The President or three of the Council members may call a special meeting on two days actual notice to the Council members. Two days notice may be waived for emergency meetings by at least four Council members.

Section 2. Unless otherwise ordered by resolution of the Council, meetings shall be held at the principal place of business of the Village, which place shall be such located within the Village of Klukwan as may be determined by the Village by resolution.

Section 3. Four Council members shall constitute a quorum.

Section 4. The following shall be the order of business unless changed by, or with the consent, of the Council, namely:

Call to order by the President;
Opening Prayer;
Roll Call;
Announcement of quorum;
Reading of the minutes of last meeting;
Correction or approval of the minutes of last meeting;
People to be heard;
Treasurer's Report;
Report of Committees;
Unfinished Business;
New Business;
Closing Prayer;
Adjournment.

Section 5. The Council may adopt regulations governing its procedure, and in the absence thereof, Robert's Rules of Order shall govern.

Section 6. Every resolution, after the explanatory clauses, shall begin with the words: "Be it resolved by the Council of the Chilkat Indian Village . . ."

Section 7. Every ordinance, after the explanatory clauses, shall begin with the words: "Be it enacted by the Council of the Chilkat Indian Village . . . "

ARTICLE V—MEETINGS OF THE VILLAGE

Section 1. Regular meetings of the Village shall be held twice a year on the second Monday in October and the third Monday in April or at other such times as may be voted by the Council.

Section 2. Special meetings may be called at any time by three members of the Council, or by the President, and must be so called upon petition of one third of the voting membership of the Village. For such meetings three days' posted or written notice must be given.

Section 3. One-third of the voting membership shall constitute a quorum at any meeting. Unless otherwise required by law, the majority vote of the voting membership participating in a meeting or election constitutes the act of the membership.

Section 4. Meetings shall be held at the principal place of business unless otherwise ordered by resolution of the Village or otherwise specified in the notice of a special meeting.

ARTICLE VI – DEFINITIONS

Section 1. The phrase "voting membership" means any member, who is 18 years of age or older, who resides in the Village subject to further requirements prescribed by ordinance.

Section 2. The word "majority" means more than fifty percent.

Section 3. The word "Village" when referring to the location of the Chilkat Indian Village community means the lands and waters owned by, or for the benefit of the Chilkat Indian Village and any allotments in the vicinity of the Village owned by Village members.

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